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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,050	03/05/2002	Michael Kaus	DE010063	6458
24737	7590	02/22/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			KRONENTHAL, CRAIG W	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 02/22/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,050

Applicant(s)

KAUS ET AL.

Examiner

Craig W Kronenthal

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/5/02, 6/03/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:

- On line 10 of claim 1, "a new" should be replaced with "anew".

Appropriate correction is required.

2. Claim 6 is objected to because of the following informalities:

- On line 13 of claim 6, "number times" should be replaced with "number of times".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Donnell et al. (PN 6,201,543). (hereinafter O'Donnell)

Regarding Claim 1: O'Donnell discloses a method of segmenting a three-dimensional structure, which is contained in an object, from at least one two-dimensional image (I.sub.1, I.sub.2) [image planes, col. 7 line 9, An image plane is a two-dimensional image] which represents a slice of the object, which method utilizes a deformable model (M) [hybrid model, col. 5 line 65 – col. 6 line 1] whose surface is formed by a network of meshes which interconnect network points on the surface of the model [the meshes are the position of the points on the surface of the object, which are identified in block 104 of Fig. 2, (col. 7 lines 2-3)], and which method includes the steps of:

- a) Determining the meshes (T.sub.3, T.sub.4) which intersect the image (I.sub.1, I.sub.2). [The determined meshes are the result of intersecting the initial model image, which contains all the identified meshes (104), and the image planes (Fig. 3, 111) (col. 7 lines 8-10).]
- b) Searching, for each mesh determined in the step a) (Fig. 3, output of 111), a respective structure point (x.sub.is), situated on the surface of the structure, along a search line (n.sub.i) which traverses the mesh and extends in the image. [The result of the intersection (output of 111) is a set of starting points (col. 7 lines 10-11), which represent the structure points (x.sub.is) situated on the surface of the structure. These starting points are searched along a search line, which is the path of lowest energy between nodes/pixels.]
- c) Calculating anew the network points (x.sub.im) of the model (M) on the basis of the structure points (x.sub.is) found. [The newly calculated network points

(Fig. 3, output of 114) are those pixels/nodes along the path of lowest energy.

These pixels/nodes are calculated on the basis of the input starting points (output of 111).]

d) Repeating the steps a) to c) a number of times on the basis of the newly calculated network points. [The steps are repeated until all pixels/nodes are explored. Decision block 116 (Fig. 3) decides whether or not there are more network points to be searched (col. 7 lines 13-15). If so, the procedure returns to block (114), which again searches for the lowest energy path, taking into consideration the new network points.]

The arguments of claim 1 are applicable to claims 5 and 6. With regards to claim 5, it is inherent that the model and two-dimensional image be received via a storage medium because there is no mention of acquiring these in stage 1 (Fig. 2), so therefore they must be provided. Furthermore, an image display is disclosed inherently through the computer rendering which generates Figure 24 (col. 5 lines 56-58).

Regarding Claim 2: O'Donnell discloses a method as claimed in claim 1, in which the direction of the search line (n.sub.i) corresponds to the projection of a line perpendicular to the mesh onto the plane of the image. [The uncertainty line (Fig. 13, 36) represents the search line and is perpendicular to a line on the mesh (Fig. 13, 34) (col. 12 lines 56-58).]

Regarding Claim 3: O'Donnell discloses a method as claimed in claim 1, in which the search for a structure point is limited to a zone of the search line which is symmetrically situated relative to the line of intersection (h) of the mesh and the plane of the image. [The zone or search space (Fig. 13, 30) is defined by the grouping of search lines (Fig. 13, 36) that are centered on the line of intersection (Fig. 13, 34) of the mesh and the plane of the image (col. 12 lines 58-63). The centering of the search lines (Fig. 13, 36) on the line of intersection symmetrically situates the zone. The algorithm of stage 2 is therefore limited to searching the neighbors, which belong to the search space (30), for the final contour, which is a set of structure points.]

Regarding Claim 4: O'Donnell discloses a method as claimed in claim 1, in which the search lines extend through the centers of the lines of intersection of the meshes and the plane of the image. [Observation of search space (30) in Figure 13, indicates that the search lines (36) extend through all points on the lines of intersection (34), including the centers.]

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sheehan et al. (PN 6,106,466) is cited for teaching a method of deforming a three-dimensional model.

- Metaxas (PN 6,295,464) is cited for teaching a method for adapting a model.
- Sun et al. (PN 6,546,117) is cited for teaching video object segmentation using active contour modeling.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig W Kronenthal whose telephone number is (703) 305-8696. The examiner can normally be reached on 8:00 am - 5:00 pm / Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 306-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

2/17/05
CWK

MEHRDAD DASTOURI
PRIMARY EXAMINER

Mehrdad Dastouri